



**POLICY #26**  
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**Subject**            **Time Limits and Dollar Limits on Applications Submitted for Reimbursement**  
**Adopted**           **2/17/2017; 5/17/2013**

Per Colorado Revised Statutes §8-20.5-104, the Committee shall...conduct the following activities..... (4)(c) Establish procedures, practices, and policies governing the form and procedures for applications to the petroleum storage tank fund for reimbursement compensation; and (d)(I) Establish procedures, practices, and policies governing any and all aspects of processing, adjusting, defending, or paying claims against the fund.

Until adoption of this policy, there were no time limits or dollar limits specified in Committee policy, regulation or statute regarding how long after costs are incurred that an applicant has to submit costs for reimbursement (with one exception – see below), or a minimum dollar amount that can be submitted for reimbursement. Without some controls on these items, the Division of Oil and Public Safety (OPS), who provides management of the Fund, has difficulty managing the Fund Balance to ensure there are adequate monies to pay all applications. A time limit for submitting costs would allow OPS to better predict when and what potential costs will be submitted for reimbursement and be drawn against the Fund Balance. A minimum amount that could be submitted for reimbursement will prohibit applications from being submitted for small dollar amounts that require similar processing time and resources as those submitted for larger dollar amounts.

Thus, the following Committee policy regarding time limits and dollar limits is adopted:

1. The current time limit for submitting costs for reimbursement is within five years of when they were incurred. As of January 1, 2018, all costs incurred related to assessment and cleanup of petroleum contamination must be submitted for reimbursement within three years of when they were incurred. As of January 1, 2020, all costs incurred related to assessment and cleanup of petroleum contamination must be submitted for reimbursement within two years of when they were incurred. This includes submittal of a complete application, including submittal of the eRAP. Unless the applicant can demonstrate good cause for his/her failure to timely submit the reimbursement application within the time limits specified of when the expense(s) were incurred, the Fund will not reimburse costs incurred beyond the time limits specified. Although adopted on the date stated above, this policy will become effective for all applications submitted on or after January 1, 2018, for the three-year time limit, followed by January 1, 2020, for the two-year time limit.
2. Applications submitted requesting less than \$1,000 worth of incurred costs will not be accepted and will be returned to the applicant. The final reimbursement application for an event will not be subject to this restriction, or for other exceptional cases as approved by the Committee. This policy will become effective for all applications submitted on or after the date stated above.

Exception: In regulation 7 CCR 1101-14 §8-1(f), for releases detected on or after December 22, 1988, but before July 1, 1989, expenses incurred on or after July 1, 1989, are potentially eligible for reimbursement only if the original application was submitted before January 1, 1992. This January 1, 1992, deadline does not apply to applicants determined to bear no responsibility for the release pursuant to statute.

